

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	
)	
4J Cattle Co., LLC,)	P & S Docket No. D-16-0085
)	
and)	
)	
Randy Stewart,)	P & S Docket No. D-16-0086
)	
)	
Respondents)	Complaint

There is reason to believe that the respondents named herein have willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §§ 201.1 *et seq.*) and, therefore, this complaint is issued alleging the following:

I.

1. 4J Cattle Co., LLC (herein Respondent 4J Cattle) is a limited liability company organized and existing under the laws of the state of South Dakota whose business address is 47711 273rd Street, Harrisburg, South Dakota 57032. The registered agent of Respondent 4J Cattle is Brett A. Lovrien whose business mailing address is 200 E. 10th Street, Suite 200, Sioux Falls, South Dakota 57104.

2. At all times martial herein, Respondent 4J Cattle was:

- a. Engaged in business as a dealer, buying and selling livestock in commerce; and
- b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

3. Randy Stewart (herein Respondent Stewart) is owner of Respondent 4J Cattle with a business mailing address of 47711 273rd Street, Harrisburg, South Dakota 57032.

4. Respondent Stewart is and at all times material herein was:

- a. President of Respondent 4J Cattle;
- b. Owner of 50% of the stock issued by Respondent 4J Cattle;
- c. The person who managed, directed, and controlled Respondent 4J Cattle; and
- d. Not individually registered with the Secretary of Agriculture as a dealer to buy

and sell livestock in commerce.

II.

Commencing on or about January 31, 2014, and continuing until at least March 17, 2014, in approximately twenty-three (23) transactions totaling approximately \$309,801.83, Respondents purchased approximately three hundred seventy-six (376) head of livestock in commerce and failed to pay, within the time period required by the Act, the full purchase price of such livestock. (See Appendix A.) Payments were between two (2) and ten (10) days late. Respondents purchased the livestock from the following markets: (1) Denison Livestock Auction, Inc.; (2) Madison Livestock Sales Co., Inc.; (3) Yankton Livestock Auction Market, Inc.; (4) Pipestone Livestock Auction Market, Inc.; and (5) SFRL, Inc., d/b/a Sioux Falls Regional Livestock.

III.

By reason of the facts alleged in paragraph II, Respondent 4J Cattle under the direct management and control of Respondent Stewart willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b), and section 201.43 of the regulations (9 C.F.R. § 201.43).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondents have willfully violated the Act and the regulations, this complaint shall be served upon the Respondents. The Respondents shall have twenty (20) days following receipt of this complaint to file an answer with the Hearing Clerk, Room 1031 – South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 *et seq.*). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Grain Inspection, Packers and Stockyards Administration, requests:

1. That unless Respondents fail to file an answer within the time allowed, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accord with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued, including an order requiring Respondents to cease and desist from violating the Act with respect to the matters alleged herein and assessing such penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 28th day of March, 2016



Susan B. Keith
Deputy Administrator
Packers and Stockyards Program

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Appendix A

US Department of Agriculture
Grain Inspection, Packers and Stockyards Administration
Packers and Stockyards Program (P&SP)
 Schedule of Failure to Pay within time period required by the Act for Livestock (V9 7-25-13)

Entity								DBA					Mailing Address		
4J Cattle Co., LLC													47711 273rd Street, Harrisburg, SD 57032		
Purchase Date	Seller's Name	Purchase Type	Number of Head	Livestock Amount	Buying Commission	Net Invoice	Credit Agreement	Credit Days	Due Date	Hand Delivered or Mailed Date	Payment Instrument	Payment Instrument Number	Check Amount	Days Late Per Delivery or Mailed Date	Delivery Method
1/31/2014	SFRL, Inc. d.b.a. Sioux Falls Regional Livestock	Live	10	\$6,421.80	\$150.00	\$6,571.80	No	0	2/3/2014	2/7/2014	Check	19713	\$8,817.30	4	Hand Delivered
1/31/2014	Yankton Livestock Auction Market, Inc.	Live	3	\$1,414.91	\$50.00	\$1,464.91	No	0	2/3/2014	2/7/2014	Check	19720	\$3,139.72	4	Mailed
2/1/2014	Denison Livestock Auction, Inc.	Live	28	\$19,651.43	\$0.00	\$19,651.43	No	0	2/3/2014	2/7/2014	Check	19714	\$19,651.43	4	Mailed
2/3/2014	SFRL, Inc. d.b.a. Sioux Falls Regional Livestock	Live	3	\$2,195.50	\$50.00	\$2,245.50	No	0	2/4/2014	2/7/2014	Check	19713	\$8,817.30	3	Hand Delivered
2/3/2014	Madison Livestock Sales Co., Inc.	Live	58	\$52,019.86	\$217.31	\$52,237.17	No	0	2/4/2014	2/10/2014	Check	19737	\$52,237.17	6	Hand Delivered
2/4/2014	Pipestone Livestock Auction Market, Inc.	Live	36	\$24,341.76	\$0.00	\$24,341.76	No	0	2/5/2014	2/11/2014	Check	19739	\$24,341.76	6	Hand Delivered
2/4/2014	Yankton Livestock Auction Market, Inc.	Live	5	\$1,654.25	\$20.56	\$1,674.81	No	0	2/5/2014	2/7/2014	Check	19720	\$3,139.72	2	Mailed
2/6/2014	Yankton Livestock Auction Market, Inc.	Live	1	\$623.25	\$50.00	\$673.25	No	0	2/7/2014	2/10/2014	Check	19751	\$970.00	3	Mailed
2/10/2014	Madison Livestock Sales Co., Inc.	Live	14	\$11,030.60	\$62.11	\$11,112.71	No	0	2/11/2014	2/17/2014	Check	19767	\$11,112.71	6	Hand Delivered
2/12/2014	SFRL, Inc. d.b.a. Sioux Falls Regional Livestock	Live	11	\$10,948.95	\$0.00	\$10,948.95	No	0	2/13/2014	2/19/2014	Check	19798	\$15,385.80	6	Hand Delivered
2/15/2014	Denison Livestock Auction, Inc.	Live	35	\$38,390.62	\$0.00	\$38,390.62	No	0	2/18/2014	2/20/2014	Check	19792	\$38,390.62	2	Mailed
2/17/2014	Madison Livestock Sales Co., Inc.	Live	31	\$27,834.41	\$178.73	\$28,013.14	No	0	2/18/2014	2/24/2014	Check	19805	\$28,013.14	6	Hand Delivered
2/18/2014	Yankton Livestock Auction Market, Inc.	Live	5	\$3,254.20	\$0.00	\$3,254.20	No	0	2/19/2014	2/24/2014	Check	19836	\$9,347.63	5	Mailed
2/20/2014	Yankton Livestock Auction Market, Inc.	Live	1	\$450.00	\$50.00	\$500.00	No	0	2/21/2014	3/3/2014	Check	19862	\$3,207.46	10	Mailed
2/22/2014	Denison Livestock Auction, Inc.	Live	27	\$32,464.06	\$0.00	\$32,464.06	No	0	2/24/2014	3/3/2014	Check	19858	\$32,464.06	7	Mailed
2/24/2014	Madison Livestock Sales Co., Inc.	Live	25	\$19,743.30	\$148.95	\$19,892.25	No	0	2/25/2014	3/3/2014	Check	19667	\$19,892.25	6	Hand Delivered
2/25/2014	Yankton Livestock Auction Market, Inc.	Live	2	\$1,416.65	\$100.00	\$1,516.65	No	0	2/26/2014	3/3/2014	Check	19862	\$3,207.46	5	Mailed
3/3/2014	Madison Livestock Sales Co., Inc.	Live	18	\$9,220.40	\$0.00	\$9,220.40	No	0	3/4/2014	3/10/2014	Check	19888	\$9,220.40	6	Hand Delivered
3/4/2014	Pipestone Livestock Auction Market, Inc.	Live	23	\$17,512.86	\$0.00	\$17,512.86	No	0	3/5/2014	3/8/2014	Check	19885	\$17,512.86	3	Mailed
3/10/2014	Madison Livestock Sales Co., Inc.	Live	20	\$13,200.28	\$111.10	\$13,311.38	No	0	3/11/2014	3/17/2014	Check	19953	\$13,311.38	6	Hand Delivered
3/14/2014	SFRL, Inc. d.b.a. Sioux Falls Regional Livestock	Live	5	\$3,657.15	\$50.00	\$3,707.15	No	0	3/17/2014	3/21/2014	Check	19960	\$5,174.80	4	Hand Delivered
3/17/2014	SFRL, Inc. d.b.a. Sioux Falls Regional Livestock	Live	2	\$1,467.65	\$0.00	\$1,467.65	No	0	3/18/2014	3/21/2014	Check	19960	\$5,174.80	3	Hand Delivered
3/17/2014	Madison Livestock Sales Co., Inc.	Live	13	\$9,629.18	\$78.65	\$9,629.18	No	0	3/18/2014	3/24/2014	Check	19985	\$9,629.18	6	Hand Delivered
Totals			376	\$308,466.42	\$1,335.41	\$309,801.83							Avg Days Late	4.9	